

### **REMARKS**

The Office Action, mailed July 23, 2008, considered and rejected claims 12, 19 and 23. Claims 1, 2, 4, 6, 8-11, 13, 15-18, 20 and 22 were allowed. Claims 12, 19 and 23 were rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Claims 12, 19, and 23 were also indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 101.<sup>1</sup>

As noted in the Office Action, each of claims 12, 19 and 23 recited a computer-readable media for performing a corresponding method. As now reflected above, the pending claims have been amended to specifically recite computer readable storage media that allows a computing device to perform such a method when the instructions on the media are executed by a processor. Inasmuch as the non-statutory examples cited by the Office are limited to "communication" media, and the claims instead specifically recite "storage" media, Applicant respectfully submits that all of the claims are statutory and in condition for immediate allowance.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 23<sup>rd</sup> day of December, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written over a printed name.

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